

### **REMARKS/ARGUMENTS**

The Office Action of October 8, 2010, has been carefully reviewed and these remarks are responsive thereto. Claim 74 has been amended, claims 1-73 have been canceled without prejudice or disclaimer, and new claims 75-102 have been added. No new matter has been introduced. Upon entry of this paper, claims 74-102 are pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### **Interview of December 7, 2010**

Applicants thank the examiner for the courtesies extended in the Interview conducted on December 7, 2010. In the interview, Applicants and the examiner discussed claim 74 and other features related to the recited features of claim 74. This response reflects the substance of the interview.

#### **Rejections Under 35 U.S.C. § 112**

Claims 2-4, 6-17, 21-30, 32-39, 42-43, 45-46, 48-51, 53-56 and 60-74 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. As discussed in the interview, reconsideration and withdrawal of this rejection is respectfully requested in view of this paper.

#### **Rejections Under 35 U.S.C. § 103**

Claims 2-4, 6-17, 20-23, 25-31, 32-39, 42-46, 48-51, 53, 55-56, 60-67 and 68-74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,151,584 to Papierniak et al. (hereinafter, "Papierniak"), in view of U.S. Pat. No. 6,317,722 to Jacobi et al. (hereinafter, "Jacobi").

Claims 24, 51 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,151,584 to Papierniak et al. (hereinafter, "Papierniak"), U.S. Pat. No. 6,317,722 to Jacobi et al. (hereinafter, "Jacobi") and U.S. Patent Publication No. 2002/0165736 to Tolle et al. (hereinafter, "Tolle"), and further in view of Financialengines.com.

Claims 2-73 being canceled, the rejection is moot with respect to these claims. Applicants request reconsideration of the rejection of claim 74 in view of the present amendment and the following remarks.

Among other features, amended claim 74 recites: “applying one or more rules to the initialized ontology that modifies the initialized ontology, the one or more rules including a first rule of a first rule type that adds a node to the initialized ontology and a second rule of a second rule type that modifies a weight of the initialized ontology.” Neither Papierniak nor Jacobi teaches or suggests this feature of claim 74.

Papierniak describes a method for “collecting subscriber specified information.” Papierniak, Abstract. In one representative embodiment of Papierniak, the method may be divided into seven processes: (1) “Data collection”; (2) “Data storage”; (3) Find and collect”; (4) “Structure and store”; (5) “Analysis and discovery”; (6) “Decision and action”; and (7) “Feedback”. Papierniak, Fig. 6. None of these processes teach or suggest “applying one or more rules to the initialized ontology that modifies the initialized ontology, the one or more rules including a first rule of a first rule type that adds a node to the initialized ontology and a second rule of a second rule type that modifies a weight of the initialized ontology,” as recited by claim 74. For example, in the third process (Find and collect), Papierniak determines the data elements to be analyzed. Papierniak, col. 12, ll. 55-64. In the fourth process (Structure and store), Papierniak, parses, categorizes, indexes, and formats the collected data so that “knowledge can be easily used and derived.” Papierniak, col. 13, ll. 18-23. In the fifth process (Analysis and discovery), Papierniak “recognizes the patterns, trends, and exceptions of the data and/or the 25 information based on statistic and analytic manipulation techniques such as clustering, artificial intelligence, etc The goal is to provide the customers with recommended actions for their decision making.” Papierniak, col. 13, ll. 24-29. None of these processes contemplates applying one or more rules to modify an ontology, as recited in claim 74. Thus, Papierniak fails to teach or suggest all features of claim 74.

Jacobi describes a method where similar items lists are retrieved based on user data, the retrieved similar item lists are weighted, and the similar items lists are merged while the scores are added. *See, e.g.*, Jacobi, Fig. 5. Jacobi does not teach or suggest the feature recited by claim 74 of: “applying one or more rules to the initialized ontology that modifies the initialized ontology, the one or more rules including a first rule of a first rule type that adds a node to the initialized ontology and a second rule of a second rule type that modifies a weight of the initialized ontology.” Indeed, Jacobi fails to contemplate applying rules to an ontology in any form and

also fails to contemplate modifying an ontology to create a hierarchical collection of linked second nodes. Jacobi merely weights a list of items and merges the lists into a combined list.

Accordingly, for at least these reasons, amended claim 74 distinguishes over the cited documents and is in condition for allowance.

### **New Claims 75-101**

New independent claims 83, 92, 101 have been added. Support for these new claims can be found throughout the originally filed specification, claims, and figures and at least beginning at paragraph [0123] of the application's printed publication (U.S. Printed Application Publication No. 2002/0173971 A1). While these claims have not yet been rejected, the following is in support of these claims.

Claims 83, 92 and 101, while different in scope, all recite features substantially similar to those discussed above with respect to claim 74, and are similarly allowable over the cited documents.

Dependent claims 75-82, 84-91, 93-100 and 102 have also been added. Support for these new claims can be found throughout the originally filed specification, claims, and figures and at least beginning at paragraph [0115] of the application's printed publication (U.S. Printed Application Publication No. 2002/0173971 A1) and also at Figures 6-10 and the corresponding description of those figures in the application's printed publication. While these claims have not yet been rejected, the following is in support of these claims.

Claims 75-82, 84-91, 93-100 and 102 all depend from one of independent claims 83, 92 and 101, and are allowable over the cited documents for at least the same reasons as their base claim. Additionally, claims 75-82, 84-91, 93-100 and 102 are further allowable in view of the various novel and non-obvious features recited therein.

**CONCLUSION**

All issues having been addressed, Applicants respectfully submit that the instant Application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the Application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3317.

Respectfully submitted,

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